

REMARKS/ARGUMENTS

Claims 1-22 are currently pending. Claims 1- 13, 21, and 22 are amended herein. Applicant acknowledges receipt of the above-identified Office Action, and respectfully traverses the Office Action in its entirety.

REJECTIONS UNDER 35 U.S.C. §101

Claims 1-22 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter in that the claim language draws limitations to software per se type components. Applicant respectfully traverses. However, in an effort to expedite allowance of the instant application, Applicant has amended the independent claims pending therein. Applicant's amendments having rendered the rejection moot, Applicant respectfully requests that the Examiner withdraw the rejection.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Serial No. 2002/0152305 to Jackson et al. ("Jackson"). Applicant respectfully traverses. However, in an effort to expedite allowance of the instant application, Applicant has amended claims 1-13, 21, and 22 to more clearly recite Applicant's claimed invention. More specifically, Applicant's claimed invention is directed to a computer-implemented method for estimating the impact the installation of a particular software application will have when the software application is installed on a target computing system. The estimation is derived from empirical information stored in a database of the historical resource utilisation data of the resources required during installation of other software applications on other computers. A parameters of the computing system and a parameter of the software application are then selected, and the computer utilizes the historical resource utilisation data and parameter values to estimate the quantity of the selected resource that will be required for the installation of the software application on the target system.

By contrast, Jackson is directed to "...intelligent capacity management of information management system resources" (Abstract), and that "in operation, one or more ... resources may become a bottleneck as load on the computing system increases, ultimately resulting in degradation of client connection quality, severance of one or more client connections, and/or server crashes" (paragraph [0003]). More specifically, Jackson discloses that "...the disclosed

systems and methods may be advantageously employed to solve unpredictability, delivery latencies, capacity planning, and other problems associated with general application serving in a computer network environment...” (paragraph [0010]). That is, Jackson looks at historical usage trends within a specific computing system and determines when reprovisioning of resources is required (paragraph [0013]). Applicant’s undersigned representative respectfully submits that Jackson fails to teach or suggest utilizing a database of historical utilisation data about resources required during installation of software applications on other computing devices to estimate the resources that will be needed on a target computing system. It is therefore respectfully submitted that the claimed invention is patentable over Jackson, and Applicant respectfully requests that the Examiner withdraw the rejection.

DEPENDENT CLAIMS

While Applicant’s arguments have focused on attributes of the independent claims, Applicant respectfully submits that the dependent claims are patentable for at least the reasons set forth above with respect to the claims from which they depend, and respectfully requests that the Examiner withdraw the rejection of these dependent claims.

CONCLUSION

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicants respectfully preserve their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, and credit any overpayment, to Deposit Account No. 19-3790. If an extension of time is required, this should be considered a petition therefor. If the fees associated with a Request for Continued Examination are filed herewith, this should be considered a petition therefor.

Respectfully submitted,

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Filed: April 20, 2009